

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER CAVALLARO,)	
)	
Plaintiff,)	
)	Civil Action No. 04-cv-12512RWZ
v.)	
)	
PERFORMANCE MARINE ASSOCIATES)	
INSURANCE SERVICES, INC. AND)	
ACE AMERICAN INSURANCE COMPANY)	
)	
Defendants.)	

JOINT MOTION EXTENDING DISPOSITIVE MOTION DEADLINES

Plaintiff Christopher Cavallaro (“Cavallaro”), Defendant Performance Marine Associates Insurance Services, Inc. (“PMA”), and Defendant ACE American Insurance Company (“ACE”), pursuant to a January 4, 2006 agreement of their counsel, hereby jointly move this Court to extend filing dates for dispositive motions to January 31, 2006; responses to February 16, 2006; and any reply memorandum to February 23, 2006. As grounds for this motion, the parties state:

1. This Action arises from a July 19, 2003 boating accident involving a boat owned by Cavallaro and allegedly insured by ACE. In this Action, Cavallaro seeks recovery, under both breach of contract and chapter 93A theories, from PMA and ACE for hull damage to his boat and certain allegedly related financial and medical losses.

2. Another proceeding involving the same boating accident settled during December 2005. That action is entitled Jennifer Griffiths-Fellini and Amy Wedge v. Michael Fellini and Christopher Cavallaro, C.A. No. 05 00099 (the “Norfolk Action”). It involved claims asserted against Cavallaro and a co-defendant by two of the passengers aboard Cavallaro’s boat who allegedly suffered significant injuries as a result of the July 19, 2003 boating accident.

3. Now that the Norfolk Action has settled, negotiations between Cavallaro and PMA and ACE have begun in an effort to settle this federal case. Discovery was completed yesterday with a deposition of the operator of Cavallaro's boat at the time of the accident. The parties believe there is a good chance that settlement of this federal case can be achieved prior to the proposed January 31, 2006 dispositive filing deadline.

4. This Action was filed on November 30, 2004, and two prior extensions were granted so that settlement of the Norfolk Action and this federal case might be achieved. No party will be prejudiced by this extension. There is no trial date currently scheduled.

WHEREFORE, Plaintiff Christopher Cavallaro, Defendant Performance Marine Associates Insurance Services, Inc., and Defendant ACE American Insurance Company respectfully request an extension of dispositive motion deadlines, and that the Court grant such other and further relief as it deems just and proper.

Respectfully submitted January 5, 2006,

Christopher Cavallaro, Plaintiff
By his attorneys,

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So Ordered.

United States District Judge

Dated: